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Innovations in Conflict Management

Research Papers

Research Paper 14

**Understanding Conflict Management Innovations:
Conclusions**

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Introduction

This paper presents the main conclusions of the study and considers their implications. It begins by examining the influences on or drivers of innovation in conflict management. The next section considers the pattern of innovation evident in organizations and in the work of facilitators and mediators. The paper then discusses the outcomes of the innovations evident in Ireland. A final section discusses the future of innovations in conflict management, including their implications for conflict resolution agencies and professionals.

Influences on the Diffusion of Innovation

In common with other Anglo-American countries and some Continental European and Asian countries Ireland has experienced a dramatic decline in levels of collective conflict at work and rise in the incidence of individual conflict. As shown in Paper 2, these trends can be accounted for, in the main, by developments in the external environment of organizations.

While the level of collective conflict has declined in response to a new competitive environment, falling union density and collective bargaining coverage and possibly also changes in the preferences of union members with respect to representation, many unionized organizations continue to face significant pressures that require new and more effective ways of handling potential disputes and current conflict in the workplace. Paper 2 shows that disputes over the governance of the workplace (reorganization, work practices, recruitment, redundancies and related matters) rather than over pay and conditions are the most frequent causes of strike stoppages in recent decades.

Pressures on organizations to deal with changes in their commercial and operational environments, often through implementing complex restructuring programmes, emerged consistently as a major influence on innovations in the management of collective bargaining and collective conflict. Where organizations found themselves seeking accommodation with their unions around complex, multi-stranded change and restructuring programmes they were more likely to depart from tried-and-trusted

negotiating and disputes procedures. Frequently, they opted to involve either the LRC or private facilitators to seek proactive solutions without first becoming deadlocked and resorting to conciliation or adjudication in the conventional manner, whether provided by state dispute resolution agencies or their counterparts in the public service.

The pressures for modernization and reform in the public service, accentuated by the recession and fiscal crisis, influenced the introduction of mandatory arbitration. Paper 11 dealing with the HSE, shows how this occurred in practice. In the case of the HSE the virtual stalemate that existed around modernization and change under the previous regime of workplace partnership coupled with the legacy of highly adversarial industrial relations were important background factors to the introduction of compulsory arbitration. Partnership in the HSE had at one time promised to contribute to modernization by involving external facilitators and leading to a new procedure for co-operative change management, as discussed in Paper 13 dealing with facilitators and mediators. In the end, however, these initiatives were swamped by inertia and adversarialism. Facilitators, mediators and union officials participating in the focus groups reported in Papers 5 and 7 highlighted how attempts elsewhere to institute partnership-based or co-operative approaches to industrial relations in workplaces sometimes involved modes of facilitation that prioritized joint problem solving as a means of avoiding or addressing workplace conflict.

As reported in Paper 10 the new commercial environment of Musgrave and related changes in competitive posture and HR strategy were also influential in the company's decision to assign line managers a major role in both the general conduct of HR management and in trouble-shooting and the resolution of problems and grievances. The recent practice of the Labour Court to suspend adjudication in disputes where it feels that more scope exists for direct engagement between the parties has also led to the involvement of private facilitators in dispute resolution. These disputes again often involve complex restructuring programmes. Acting under mandate from the Labour Court facilitators or co-facilitators commonly seek to contribute to the resolution of disputes by combining facilitation, conciliation, fact-finding and by presenting recommendations, as shown in Paper 12.

In general, it can be concluded that different forms of innovation in the management of collective conflict tend to reflect discontinuous or disjunctive change in the external commercial, operational or fiscal environments of organizations rather than more normal external pressures. Where organizations were responding to more familiar or steady-state pressures their managers and union representatives were more likely to stick with conventional conflict resolution procedures and related practices. In line with these procedures and practices, HR professionals and their trade union counterparts were prone to act as 'processors' of conflict in the workplace rather than as problem solvers. The effects respectively of fiscal and financial crisis on innovations in the HSE provide the only known instance where organizational crisis spurred innovations in conflict management. Thus, changes in the external environment of collective bargaining, in the main, influence innovations in the management of collective conflict. Commercial pressures on organizations - not infrequently resulting in more formal and rigorous performance management processes - as well as regulation, mostly in the form of the growing body of employment rights are key influences on innovations in the handling of individual conflict. The most important innovations in the management of individual conflict is the devolution of conflict management duties to line managers, often as part of a more general process of devolving HR responsibilities to line managers.

The growing body of employment rights and employees' increasing determination to vindicate new rights by resorting to external agencies or the courts has imparted a rights-based dimension to the management of the employment relationship and in particular to the handling of grievances. A major theme of the focus group of facilitators and mediators, reported in Paper 7, concerned the 'juridification' of employment and relatedly the growing involvement of lawyers in the handling of workplace conflict. As more grievances may end up in external agencies, organizations have become increasingly concerned about becoming embroiled in litigation, with attendant costs and delays and potential damage to reputation. As a result, HR managers are increasingly opting to involve external or internal mediators to seek solutions within the boundaries of the organization. Besides reducing the risk of becoming embroiled in hearings by external agencies, mediation programmes are being recognized as a useful additional step in internal grievance procedures. Where

informal direct engagement between the parties to a grievance either fails or is inappropriate (for example in harassment cases) and the next step in a conventional procedure is investigation, mediation provides a means of resolving conflict without the formality and time delays involved in investigation.

More rigorous and demanding performance management standards and systems were seen as significant influences on workplace grievances by a number of participants in the research. In particular pressure to perform to increasingly higher standards was reported to be a key influence on the pattern of workplace conflict in many non-union firms. As reported in Paper 6, this pressure frequently acted in combination with changes in organizational demographics, as firms sought to move up the value chain and recruited more highly skilled and educated professionals prone to assert their rights. Firms often responded by devolving HR duties to line managers, including responsibility for avoiding and handling workplace grievances and problems. The key innovation here involved conflict management becoming integrated into line management rather than being hived off into new mediation or grievance procedures. Case study 8 on Intel shows that line managers were given greater responsibility to resolve conflict in an effort to escape the formality that arose when problems were addressed by elaborate conflict management arrangements. Acquiring new responsibilities to solve problems was not always welcomed by line managers. Nor was it often well supported by complementary changes in training or in organizational systems and processes. The Musgrave case reported in Paper 7 provides an example in which the devolution of HR and trouble-shooting duties to line managers has worked well and was supported by HR training and by changes in formal accountability.

Commercial pressures for higher organizational and individual performance were sometimes also related to explicit and systematic attempts to introduce new models of employment relations. The empowerment of line managers in Musgrave arose from the firm's engagement strategy, which in turn was a response to the increasingly competitive retailing market and the squeeze on sales and profits imposed by the recession. Medici's emphasis on what has been described in Paper 9 as socializing conflict out of the organization, in other words, managing conflict by reducing its incidence, reflects the wider strategic posture of the firm to achieve high performance

through operating a high commitment organization. A battery of integrated HRM policies were used to develop highly committed employees, who were considered less likely to engage in what was considered ‘negative’ forms of conflict.

As shown in Paper 3 the professionalization of personnel management in Ireland was associated with the diffusion of what we would now term conventional dispute and grievance procedures. Participants in a number of focus groups conducted as part of this study complained that too often HR managers and their interlocutors in unions were ‘processors’ of conflict through procedures within and outside organizations rather than being genuinely committed to resolving conflicts within organizations at the lowest possible level. Yet the continuing professionalization of personnel, now under the rubric of HRM, has influenced more recent innovations in conflict management and the adoption of various forms of ADR. Paper 3 reported research showing an association between the incidence of standard high-commitment HRM practices in firms in Ireland and the adoption of ADR practices. Yet, case study 9 on Medici suggests that a stream of thinking may exist in the HRM profession which places more emphasis on making sure workplace conflict does not arise, or at least kept to a minimum, rather seeking to manage it through the adoption of innovative practices.

The analysis of the work of the LRC in supporting assisted bargaining and of the work of private facilitators, reported in Papers 12 and 13, showed that HR managers often led the way in seeking out external experts with the skills and experience deemed necessary to support new approaches to collective bargaining and collective dispute resolution. The same holds true for the implantation within organizations of external and internal mediators. HR managers acting as leaders in these ways are typically found in organizations with progressive general HR legacies, although sometimes they arrived from the outside and enjoyed the latitude to innovate against the grain of organizations’ legacies and histories. It was also pointed out by some participants in the study that the use of facilitators and mediators reflected the advent of a more hard-nosed business model surrounding HRM, whereby HR services were sourced or outsourced on a need-to basis and people with the requisite expertise were engaged on the basis of proven skills and relevant experience. If innovations in conflict management practices sometimes emerge through the exercise of HR

leadership, at other times they may emerge through emulation: the concern of HR executives to appear in the vanguard of good or best practice prompting them to replicate innovations in other firms.

The mode of HR innovation and leadership generally encountered with respect to conflict management however needs to be highlighted. It is clear from the focus groups and case studies of unionized firms reported in this study that HR managers generally adopt new conflict management practices in a cautious and pragmatic manner: eschewing grand designs or systemic reforms for incremental, piecemeal change focused on specific problems and weaknesses in existing procedures and practices. The pattern in non-union firms was similar. Innovations such as mediation were adopted in the main in an informal and cautious way, generally without any great degree of concern to retool other conflict management practices. In the non-union sector the major line of innovation, as shown in the case of Intel in Paper 8, was to empower line managers to handle and resolve conflict, without making any other changes to the basic conventional three-step grievance procedure that began with informal engagement, moved to investigation and concluded with an appeal stage.

This picture is consistent with earlier research reported in Paper 3 on conflict management in foreign-owned multinationals in Ireland, which showed that HR managers shied away from radical or systemic innovation in conflict resolution. Their concern was that highlighting conflict and being seen as innovative in this particular area might compromise career progression within the parent firm. This explained why many US multinationals failed to extend to their Irish subsidiaries the integrated sets of ADR practices that were sometimes in operation in their home-country workplaces. A further influence on the diffusion of innovations evident in the research was the increased supply of trained and experienced mediators and facilitators available to fill non-traditional conflict management roles. Paper 3 shows the sharp rise in the number of mediators affiliated with the Mediators' Institute of Ireland (MII) available to undertake workplace conflict resolution. Currently some 500 hundred people declare themselves competent to undertake organizational and workplace mediation – representing a more than sevenfold increase in six years. It is clear from the research reported on facilitation and assisted bargaining in Papers 3 and 13 that the numbers in

the 'elite' pool of highly experienced and reputable private conflict management professionals has also increased significantly over recent decades.

In tandem with the growing numbers of mediators and facilitators available to firms, education and training programmes in the field have also expanded. Professional bodies, especially the MII, have established regulatory professional and accreditation standards and have lobbied public agencies and policy makers to promote ADR in employment disputes and more generally. These developments in turn have raised the profile of mediation and facilitation as professional careers, attracting more people into these areas and raising professional standards. As the field has grown, professionals have formed new specialist consultancies, or joined existing HR and management consultancies, leading to more proactive marketing efforts in the field. The result is that organizations seeking to move beyond conventional grievance and disputes procedures can now draw on an expanding pool of trained professionals to implement new practices and fill new ADR roles.

Developments in the institutional framework for conflict resolution have also influenced the diffusion of innovations in conflict management. Pivotal public agencies like the Labour Court, the Labour Relations Commission and the Equality Tribunal have followed a pattern of innovation similar to that of firms and other organizations. Prior to the emergence of the current reform proposals that will create the Workplace Relations Commission and appellate Labour Court, reforms and new practices have again been adopted by these agencies in a piecemeal manner, in response to particular problems and deficiencies in existing procedures. Thus, the Rights Commissioner Service was introduced to handle disputes involving individuals and small groups. The LRC introduced a workplace mediation service to assist growing numbers of employers and employees seeking assistance with incidents of inter-personal conflict. Provision for mediation was introduced into the public service in a cautious and confined manner. The LRC offered assisted bargaining from the 1990s in response to requests for early intervention in complex restructuring programmes by major employers. The Commission continues to offer assisted bargaining services on a case-by-case basis as circumstances are seen to warrant.

Several forms of ‘judicial ADR’ have also emerged from the attempts of public conflict resolution agencies to respond to problems in a pragmatic manner. The Equality Tribunal introduced mediation to provide an alternative route to formal adjudication. More recently the Labour Court adopted the practice of mandating facilitation or co-facilitation in disputes where it formed the view that further direct engagement between the parties was preferable to adjudication.

A series of these initiatives have influenced the spread of assisted bargaining, pre-dispute and dispute-based facilitation and mediation. Codes of practice on bullying and harassment promulgated by the LRC and other agencies have also led some organizations to engage mediators and to undertake independent investigations in instances where such incidents have been alleged. In the process organizations have grown accustomed to the work of mediators, while people charged with the conduct of investigations, as emerged in Paper 7, sometimes act as catalysts for further and deeper change by reporting back to organizations on necessary changes in conflict management practices and other organizational processes and systems. As shown in Paper 9, the Croke Park and Haddington Road (CPA/HRA) agreements made arbitration mandatory in unresolved collective and individual disputes on matters covered by the agreements. This has resulted in the introduction of compulsory arbitration across the public service for core areas of workplace governance, but otherwise leaving workplace grievance and disputes procedures largely unchanged.

While institutional developments such as these fostered the wider diffusion of innovations in conflict management in a direct manner, other institutional developments have influenced the diffusion of innovations in a more indirect and even quite unanticipated way. As emerged in a number of papers in this study, the disputes procedures adopted under successive social partnership agreements from the late 1980s and subsequently agreed under the CPA/HRA public service agreement and under the 2010 IBEC/ICTU Protocol on Industrial Relations in the Private Sector, were important influences on the diffusion of assisted bargaining and on the growing use of private facilitation. Facilitators in the focus groups and case studies highlighted that the ‘extra-procedural’ nature of facilitation process was one of the key reasons behind the growth of assisted bargaining and facilitation. Organizations and unions had resorted to facilitation primarily for the greater flexibility that it involved and to

retain a high level of control over the dispute resolution process. They then came to appreciate other benefits inherent in the process. These included more proactive and less adversarial engagement and (sometimes) being able to choose a facilitator with the experience and style suited to the matters in contention. Paper 3 suggested that the advantages of private facilitation within the institutional framework for conflict resolution in Ireland account for the growth in the private facilitation sector in Ireland as compared with other Anglo-American countries.

Finally, legal and public policy reforms have influenced the diffusion of innovations in conflict management in Ireland. Paper 2 dealing with the changing pattern of conflict in Irish workplaces showed the dramatic expansion in employment rights that has occurred since the 1990s. This influenced the rise in the incidence of employment grievances dealt with by agencies like the Rights Commissioners, the Labour Court, the Employment Appeals Tribunal and the Equality Tribunal. It also encouraged growing numbers of firms to adopt mediation and more proactive line management, as alternatives or preliminaries to cases being referred to the statutory agencies. More recently, as discussed in Papers 2 and 3, public policy and legal reforms have favoured ADR, particularly mediation and arbitration, over litigation across areas ranging from commercial to family law. The reforms have largely shied away from employment law and collective bargaining in deference to the roles played in the field by the LRC and other bodies like the Equality Tribunal in providing alternatives to litigation or adjudication.

At the same time, an important reform body, the Law Reform Commission, has advocated the wider adoption of informal dispute resolution involving mediation, conciliation and of conflict management systems that combine an array of ADR practices (Law Reform Commission 2010: ch 5). The growing institutionalization of mediation, arbitration and other ADR processes across a range of areas of law and business activity contributes to a climate favourable to the more general diffusion of innovative conflict management in workplaces and to the normalization and professionalization of roles such as mediators, arbitrators and facilitators.

While the creation of the Workplace Relations Commission and re-designation of the Labour Court's functions has been driven mainly by a concern to reduce costs and

remove the overlapping and confusing jurisdictions of the various employment rights and conflict resolution agencies, an important declared priority of the WRC is to foster the early resolution of grievances and disputes and to promote the use of mediation. There should again be positive spin-off effects from these priorities on the practice of conflict management within workplaces.

Table 14.1 summarizes the analysis of influences on the diffusion of innovations in conflict management discussed in this section.

Barriers to the wider diffusion of innovations in conflict management can also be highlighted. Several of the research Papers completed for the study show that the availability of the free, independent and trusted services provide by the Rights Commissioners, the LRC, the Labour Court, the Equality Tribunal and the Employment Appeals Tribunal acts as a disincentive to innovation within organizations. Familiarity with these services on the part of HR professionals and trade union officials interacts with the tendency noted earlier for many HR managers to ‘process conflict’ through internal procedures and beyond rather than devoting time and effort to resolving disputes at the lowest possible level within organizations, or adopting new ADR practices. The LRC, in particular, have sought to counter the ‘narcotic’ and ‘chilling’ effects that occur from this process – by seeking to persuade ‘frequent users’ to settle more often within domestic disputes procedures and by offering the practice of facilitation and co-facilitation. In the case of conflicts within the jurisdiction of the EAT, the juridification of conflict resolution and the growing role of lawyers was also seen to detract from the wider use of mediation.

Table 14.1 Influences on the Diffusion of Innovation

Influences	Effects on Innovation
Pressures on organizations arising from changes in their commercial and operational environments	<ul style="list-style-type: none">• Complex restructuring programmes lead to the engagement of private facilitators and resort to assisted bargaining supported by the LRC. Introduction of higher performance standards and performance management systems contribute to higher levels of grievances and resort to mediation.• Fiscal crisis and intensified pressure to modernize the public services lead to the adoption of mandatory arbitration in the CPA/HRA agreements.
Introduction of new HR and employment relations models	<ul style="list-style-type: none">• Introduction of engagement and collaborative HR & industrial relations models frame delegation of conflict handling to line managers, innovations in collective and individual conflict management and attempts to socialize conflict out of the workplace.
Progressive HR legacies, HR leadership & emulation of best practice	<ul style="list-style-type: none">• Willingness to experiment with external and internal mediators and with other ADR practices and to use private facilitators and assisted bargaining.
Increase in supply & professionalization of mediators & facilitators	<ul style="list-style-type: none">• Greater availability of professional expertise and advisory feed back to organizations. Mediation and facilitation services proactively marketed. Training and accreditation provided and professional careers develop.
Developments in institutional framework for conflict resolution	<ul style="list-style-type: none">• Judicial ADR (mediation & facilitation) develop in Equality Authority & Labour Court. Assisted bargaining develops as an LRC service. Arbitration introduced in public service under CPA/HRA.• Employers and unions seek flexibility by using ‘extra-procedural’ services like assisted bargaining & facilitation.
Developments in public policy & legal reforms	<ul style="list-style-type: none">• Expanding web of employment rights fosters mediation within organizations. Growing public policy support and legal reforms normalize & institutionalize ADR and other conflict management innovations.

It was noted that as litigation became a standard feature of grievance resolution, unions had adapted by providing their members with specialist legal advice and sometimes by establishing special divisions. More generally, several papers suggested that unions were cautious and unenthusiastic in the main about mediation and ADR practices.

As discussed above and reported in several papers HR managers in non-union multinational firms were slow to engage external mediators in anything other than an ad hoc manner. They were slower still to adopt innovations involving multiple ADR practices. It was also highlighted in Papers 4 and 6 that many HR managers remain unconvinced about the effectiveness of ADR practices or systems, preferring to stick with the tried-and-trusted methods with more predictable outcomes. While non-union firms in particular have delegated conflict handling to line managers, Paper 4 reveals that line managers often remain reluctant to embrace this new accountability. This is because they are focused on business outcomes and results and frequently receive little training in conflict handling or fail to avail of training and support on offer.

Finally, to the extent that the principles, concepts and techniques of strategic management have become routine in larger firms and organizations, there was little evidence from this study, apart perhaps from Medici examined in Paper 9, that any concern with the strategic alignment of business or HR practices extended to conflict management. The fillip to the adoption of ADR and conflict management systems that some scholars believe to have been provided by strategic management in large US corporations (see Paper 8) is nowhere in evidence in Ireland, as will be further discussed in the next section.

The Nature of Innovation in Conflict Management

Much of the conflict management literature adopts what we have called in Paper 1 a strategic paradigm or approach to innovation. Conflict management procedures for dealing with disputes are seen as being organized along a continuum. At one end, are procedures which afford disputants the most control over the process and the outcome, particularly negotiation and mediation. At the other end, are procedures in which disputants exercise little control over the process and the outcome is imposed, for example adjudication. Under this paradigm, the task of senior managers is to

innovate to create the *optimal* mix of procedures that are tailored to the specific needs of an organization, including the volume and frequency of disputes with which it is faced. Innovating to achieve *optimality* is normally seen as involving a series of sequential steps. The first goal is to establish the core objectives on which the innovation should rest – reducing the costs of conflict resolution for example. Then, a detailed assessment is conducted to identify the conflict management procedures and processes that are most likely to realize the established objectives. The next step is to develop an implementation plan to ensure the proper diffusion of the new practices and processes, including the provision of training to those responsible for operating the innovation. The outcome from all this activity should be the creation of an integrated conflict management system that has the capacity to address effectively all conflict management contingencies. To create these systems, organizations must have the internal capacity to make and absorb radical change.

This study found little evidence of organizations following this strategic approach to conflict management innovation. For the most part, organizations were not interested in developing conflict management systems. Nor did they possess a strong appetite for radical change: most were reluctant to make any type of far reaching departure from conventional formal methods of addressing workplace conflict. This is not because these methods are fixed practices, which are in some way indelible features of the organization. It is mostly because the imperative to revise radically these formal methods is absent from organizations. The managers who participated in the project may have grumbled about various aspects of workplace conflict management, but the great majority considered it to be under control. This stands in sharp contrast to 50 years ago when the discipline of industrial relations was first being invented. Then, workplace conflict was not only viewed as a threat to the viability of organizations, but also at times to the wider social order. As a result, industrial peace was seen as central not only to the management of the employment relationship, but also to the formulation of national economic and social policies – it was this sentiment that gave rise to the Labour Court and other parts of the State's dispute resolution machinery. Today, workplace conflict is viewed in a different light. Managers still consider it important to resolve problems quickly and effectively. But few consider workplace conflict to have the capacity to destabilize organizations in any serious manner. Moreover, the consensus view amongst the managers who

engaged with the study is that workplace conflict is not central to the management of the employment relationship: more often than not, it is considered to be an obstacle standing in the way of the proper management of people. With conflict being considered as a less menacing, or at least dominant, feature of organizational life, few managers see the need to move radically away from conventional dispute resolution practices.

While organizations may not have experienced pressures to adopt far reaching conflict management innovations, they have nonetheless been exposed to influences that have led to conventional dispute resolution practices being upgraded or amended in some fashion. Most of these influences are unfolding slowly and incrementally, not strong enough to rupture conventional conflict management methods, but sufficiently significant to induce a certain level of change. Some influences, as discussed in Paper 2, are external to the organization, such as the growth in rights-based employment legislation and the gradual development of a more educated and assertive workforce that requires organizations to deal with workplace conflict with greater sensitivity and empathy. Other influences originate within the organization such as the decision to develop team-working or to use performance management, which can lead to a growth in relationship-based conflict or even to claims of harassment. In other words, organizations cannot immunize themselves from external and internal influences that impinge on the nature of workplace conflict, which in turn precipitates the need for some form of adjustment to dispute resolution practices. If organizations fail to make these adjustments the likelihood is that misalignment will emerge between the changing character of workplace conflict and the practices used to address it. Thus, it would be misleading to view conflict management practices as immutable, they do change.

The evidence from this study is that managers adopt a pragmatic approach when considering change to conflict management practices. The common posture of most managers is to consider revising established conflict management practices only when the need to do so becomes apparent. Thus, for example, mediation was adopted as a new practice in some firms involved in the study either as an attempt to reduce the time and cost associated with solving some forms of conflict or as a result of it being recognized that existing conflict management practices were not satisfactorily

addressing the increasing incidence of more individualized, relationship-based problems. When the need for adjustment is recognized, management is unlikely to determine what type of innovation should be introduced by first trying to list all the key values on which any innovation should rest, then outlining all possible alternatives and finally systematically comparing which are most likely to realize the identified values. For the most part, this best practice methodology is eschewed in favour of a 'best fit' calculation in which the emphasis is on identifying an innovation that can be introduced without disrupting too much established conflict management practices, witness the manner in which Intel in Paper 8 has gone about considering whether or not to introduce mediation. Any change introduced was usually done so in an 'additive' manner – it was simply added to the range of already existing dispute resolution practices. Little consideration is given to capturing a complementary effect from an innovation: managers did not appear overly anxious about the impact of conflict management practices being greater than the sum of individual parts.

Managers usually adopt a cautious approach to conflict management innovations. The claimed benefits of introducing a new dispute resolution practice are not taken at face value. Most conflict management policies are introduced on a provisional basis and are only adopted permanently when managers are confident that two conditions have been met. One is that a new practice/procedure (or revision to existing practice/procedure) is effective at addressing problems. The other is that an innovation does not have a negative impact on other conflict management practices. Overarching this cautious, hard-headed approach to innovation is an assumption shared by most managers that no silver bullet exists to the management of workplace conflict. The prevailing view across managers is that while some organizations might be better at reducing conflict than others, there was no one practice or group of practices that would eliminate it entirely. Conflict was considered to be an ever present aspect of organizational life and the function of management was to address it as effectively as possible. This pragmatic approach to conflict management makes them wary of large-scale innovation and more disposed towards incremental change.

Because (incremental) change to conflict management is largely tied to the idiosyncratic features of particular organizations, the result is the creation of *contextualized* and not *optimal*, in the sense of 'best practice', sets of conflict

management practices. Of course, this means the direction of change is fairly heterogeneous. In some non-union firms, as is the case in Intel in Paper 8, the impulse for change is to streamline even further conflict management procedures so that problems can be addressed in time bound fashion. In some unionized firms the main challenge is to try and grapple with a legacy of poor industrial relations by fostering a more stable working relationship with trade unions. Certain firms are preoccupied with making line managers more effective at solving problems. Other organizations are in the throes of working out ways to deal with the increased individualization of workplace conflict – and the greater threat of legalization of problems that comes with it. Still other organizations are trying to determine whether the introduction of a new practice is actually working effectively or whether it needs to be tweaked in some manner. In this context, it is difficult enough to draw out any generalizations, but a number of patterns of change are worthy of note.

First of all, there is a notable shift amongst large, often high tech and knowledge intensive firms, most of which are non-union, with regard to the manner in which workplace conflict is being framed by managers. There is a trend to view organizational conflict as some type of individual failure on the part of those involved and not as organizational failure. We may call this the ‘individualization’ of workplace conflict and ultimately stems from the emergence of a new socio-psychological environment in organizations. The whole thrust of this environment, as exemplified by Medici in Paper 9, is to encourage employees to see the workplace as somewhere they can realize their career ambitions, to keep themselves well and healthy, and to be productive and high performing members of the organization. It is very much an organizational environment that promulgates a positive psychology. The ‘negative psychology’ of having to deal with sickness and absence or conflict, or engaging with uncooperative, disruptive employees is shunned, portrayed as neither good for the organization or for employees. Thus, when conflict does emerge it is seen as employees (or even managers) succumbing to a ‘negative psychology’ and as a result the endeavour must be to restore them to a positive psychological frame of mind. If a particular problem is not resolved quickly then it turns into a conflict between the recalcitrant employee/s (the outsiders) and the organization (the insider). Thus, the trend in certain firms is to frame conflict in a largely negative way, with

organizations promoting the expectation that employees will maintain a positive psychological outlook.

A second pattern is the growth in the number of private sector consultants providing a range of conflict management services to organizations. Paper 7 examined the roles and experiences of mediators and facilitators who provided these services to organizations, while Paper 13 examined the specific roles that private facilitators play in assisting organizations and unions engaged in collective bargaining in the context often of complex restructuring programmes. Private mediators and facilitators offer a range of services to organizations, including facilitation, mediation, investigations and so on. The growing use of private mediators and facilitators in the management of workplace conflict is significant as it suggests the emergence of a strong preference amongst organizations for keeping the management of conflict in-house. Paradoxically, external consultants are being used to 'internalize' workplace conflict management. In almost every case, the motivation behind this internalization process is to avoid problems and conflict inside the organization getting aired in public. In this vein, a good many organizations are loathe to interact in any way with the State's dispute resolution agencies. Thus, organizations are not so much using private mediators and facilitators as a substitute for the public dispute resolution services, but more as an insurance policy to indemnify them against having to engage with these bodies.

A third pattern that is emerging across organizations with regard to conflict management, and most vividly portrayed in Papers 8 and 10, is the co-existence of conventional formal conflict management practices alongside growing line management involvement in the resolution of problems and disputes. In practice, this development amounts to a significant shift away from 'formal' towards 'informal' conflict management, in the sense that the emphasis is on line managers and supervisors engaging directly with people who have problems or concerns before the issues in contention harden into formal conflicts that then proceed through grievance and disputes procedures. 'Informality' of this kind may of course be supported by formal organizational processes like training, performance management and accountability. On the surface, this growth in informal conflict management seems a positive development since problems can be addressed quickly close to their point of

origin without the need for formal procedures and so on. But on closer examination, it may be more prudent to adopt a cautious interpretation of this development. To assume that informal conflict management will work successfully also requires the assumption that line managers are effective problem-solvers. But the evidence of this study suggests that an unconditional belief in line managers possessing high quality problem-solving and conflict handling skills, forged through reflexive engagement with formal conflict management rules on the one hand and employees on the other hand, is as flawed as an acceptance of the notion of context-free, optimal conflict management systems.

Although line managers perform their conflict management activities within a framework of formal conflict management procedures, no convincing evidence emerged from the study that the interaction between line managers and formal conflict management procedures was generally either smooth or purposeful. In many instances, line managers developed their informal conflict management role in a manner that was disconnected from formal procedures. Moreover, the training and support provided to line managers to perform conflict management was usually not comprehensive. Similarly, the monitoring and evaluation of line managers' conflict management activity was uneven, but rarely systematic. In the absence of well-developed support systems, line managers acquired conflict management skills largely through 'learning-by-doing' skills. To some extent, their approach to managing conflict would be constrained, or least bounded, by the prevailing culture in the organization: for example, if a strong emphasis is placed on generating highly committed employees, then line managers are likely to follow a conflict management style consistent with this core organizational value. Moreover, line managers are likely to interact with each other to discuss and review particular workplace problems that have occurred, which may result in individual line managers altering the way they solve particular problems.

While line managers do not perform their conflict management role in an unrestrained manner, the shift towards informal conflict management has conferred upon them greater discretion to solve problems. Discretionary conflict management on the part of line managers may have a downside. First of all, it could lead to variations in the manner in which conflict is addressed inside organizations, potentially causing a

degree of arbitrariness in the manner in which employees are treated. Second, the resolution of conflict becomes strongly incident-based: success is credited to line managers when some type of threatened or actual conflict is prevented or resolved yet little attention is given to assessing the root cause of particular forms of conflict or evaluating whether the incidences of conflict is following a particular pattern. Thirdly, a gap may open up between the conception and implementation of conflict management policies: few organizations have systematic procedures to hold line managers accountable for the discretion they enjoy for solving problems informally, to identify and correct shortcomings in the manner conflict is resolved and to consider the appropriateness of existing conflict management practices and procedures. What this analysis suggests is that while organizational approaches to conflict management may be heavily contextualized they may not be optimal.

Thus, a big conundrum exists with regard to the management of conflict in the modern organization. On the one hand, the organizational and managerial conditions are absent for the diffusion of what are frequently portrayed as optimal conflict management practices, which are normally seen as taking the form of a set of integrated ADR arrangements. On the other hand, the strong trend towards what we have called contextualized conflict management practices may very well lead to deficiencies emerging inside organizations concerning the manner in which problems are addressed. It is a highly open question whether managers will address these deficiencies by subsequently making incremental changes to conflict management practices. A more likely scenario is that in the absence of any formal process to review the management of conflict inside organizations, managers will persist with deficiencies to conflict management systems especially if the incidence of workplace problems is low. In this context, the public dispute resolution agencies can play an important advisory and educational role in encouraging organizations to develop well-designed, integrated conflict management arrangements.

Outcomes of Conflict Management Innovations

Assessing the outcomes of conflict management innovations is not straightforward. Many of the innovations examined in the study are of recent vintage and their effects

will take some time still to show through. A further problem arises from the frequent absence of metrics or systematic assessment methodologies within organizations – a feature highlighted by facilitators and mediators in the focus group reported in Paper 13. Another problem arises from the roles occupied by many of the people interviewed for the study. HR managers involved in the introduction of innovations and mediators and facilitators central to their operation might be thought to have a vested interest in casting their outcomes in a positive light – although the research papers show that their assessments are far from being uncritical. Union officials and representatives interviewed also sometimes provide a corrective balance to the optimism of managers and conflict management professionals.

We can say less about the outcomes of conflict management innovations for employees or trade union members than for employers. The voices of employees and union members who have experienced grievances and conflicts, or who are directly or indirectly affected by innovative practices, could not be captured directly in the study. A systematic assessment of outcomes as they affect employees and union members would require a large-scale survey, or a series of bespoke surveys within the organizations studied. These were beyond the current study's resources and the demands involved would have posed further problems of access in what remains a sensitive area for many organizations as well as for their stakeholders. Nevertheless, based on the comments and views of facilitators, mediators, trade union officials and managers we can make inferences and arrive at some conclusions concerning the outcomes of conflict management innovations for employees.

Bearing these problems and limitations in mind, the study presents an overall assessment of the outcomes to date of innovations in conflict management in organizations in Ireland. Outcomes will be assessed for employers, for trade unions, for employees and union members, for conflict management agencies and for the public good.

Outcomes for employers are assessed by combining the review of developments in conflict management in Paper 1, with the focus groups of HR managers, facilitators and mediators, interviews and with the case studies of different types of innovation in operation. Beginning with mediation, the general view was the growing adoption of

mediation brought positive results for employers and for individual employees pursuing grievances. For employers, mediation involved a less costly, more flexible and speedier means of resolving grievances than resort to conventional procedures or external agencies. Mediation – including conciliation - also allowed the parties to conflict to retain control over the process of conflict resolution and reduced the personal stress and trauma that often attended instances of individual conflict. Mediation might also free up line managers from spending inordinate amounts of time dealing with disgruntled employees. Mediation was seen by some as a necessary adjunct to the more demanding and rigorous performance assessment systems that are becoming more common in organizations in the new competitive environment. Internal mediation was seen as more effective overall than external mediation. Non-union firms seemed reluctant however to countenance either form, but especially external mediation – revealing themselves more satisfied with conventional grievance procedures. Assessments of other innovations involving the use of outside experts as fact-finders and investigators were less positive: managers stating that they were too costly and time consuming and might in the end mean that none of the parties the conflict involved emerged as winners.

A strongly held view as shown by Papers 8 and 10 was that proactive line management was a very effective means of handling and even of preventing conflict. By making line managers formally accountable for trouble shooting, organizations were seen to have become more capable of resolving conflict closer to the point where it had arisen and in a more informal manner. That said, formal organizational supports to line managers, such as relevant training, were seen as critical aspects of line management success in conflict management. So too were organizational systems like performance management that held line managers accountable for their performance in this area. The design of the organizational architecture that provided necessary supports and that allowed for accountability was seen as particularly challenging. This was especially the case in non-union firms where, as concluded in Paper 8 the practice of conflict management was often confined to the work of line management, there being few or no other innovations in the handling of conflict. The Musgrave case study reported in Paper 10 provided an example where more proactive line management had been effective in handling conflict in a new and more demanding competitive environment.

A number of innovations in managing collective conflict were also assessed in positive terms and shown by the case studies to be effective. Instances were reported in which organizations had moved towards interest-based bargaining during the recession, with or without external facilitation, and had found this to be successful. The use of mandatory arbitration in the public services under the CPA/HRA was judged as being particularly effective in more rapidly and definitively resolving disputes and grievances – some judging it as a ‘game-changer’. Paper 11 showed how mandatory arbitration in the HSE had supported reform and modernization in a more resource-constrained environment and had broken the stalemate and inertia associated with earlier collective bargaining postures and associated modes of conflict resolution.

Facilitation, whether provided by the LRC or by private facilitators, was often successful in assisting the parties to collective bargaining to move beyond conventional postures towards deeper engagement and agreement. This was especially the case in instances where employers and unions were involved in complex change and restructuring programmes, or in instances where one or both parties sought the flexibility that could be gained from ‘extra-procedural’ dispute resolution. As shown in Papers 12 and 13, in instances where disputes had not arisen but significant challenges arose around restructuring, facilitation could guide the parties to collective bargaining towards a more problem-based mode of engagement in which conventional bargaining postures and tactics were suspended and longer time-horizons framed dialogue fostered. Facilitation was seen to possess sufficient flexibility to incorporate conventional conciliation and even adjudication. In facilitation provided by the LRC, issues threatening deadlock could be referred to conciliation within the agency and onwards to the Labour Court. In this way a form of mediation-arbitration or ‘med-arb’ had developed - and it was often judged as being effective.

The verdict regarding conflict management innovations by and for unions seems more variegated. To begin with, union officials seem more often than not to be unenthusiastic and cautious about innovations in grievance resolution, preferring

wherever possible to retain conventional grievance and disputes procedures. It is not hard to understand this posture. Unions have been focused in recent years on protecting their members' pay and conditions and before that had focused on trying to ensure that their members benefitted from the fruits of exceptional economic growth. Conflict resolution procedures and practices were low down their scale of priorities. Unions were often unambiguously designated as co-managers of workplace conflict in conventional conflict resolution procedures – 'managers of discontent' as a famous industrial relations portrayal put it. Their position under conflict management innovations, like mediation, could be less secure and more ambiguous. Hence in general they have been 'ambivalent adapters' to innovations, as suggested in Paper 5. Unions sometimes responded to the growing juridification of employment grievances by providing legal advice to their members in a process that reinforced conventional grievance procedures.

The possibility that mediators or arbitrators might relieve officials and representatives from having to handle otherwise time-consuming and difficult personal grievance cases was welcomed. However, these innovations could also move them away from the centre of conflict management activity towards the sidelines. Unions seem seldom to have been party to formal agreements that introduce innovations to the governance of conflict management arrangements in workplaces. More often they struggled to sustain their role and influence once changes had been introduced in a near unilateral manner by management. As concluded in the case of Musgrave in paper 10, even where a formal role in conflict handling had been accorded to union representatives in initiatives to empower line managers, more proactive management postures could drain grievances away from union channels. The case of the Central Bank, reported in papers 3 and 13 revealed how unions could sometimes play a central role in the design and governance of innovations in the handling of individual and collective conflict.

Unions were more positive about innovations in collective conflict resolution. Moves towards joint problem solving in collective bargaining and the use of facilitation were often welcomed and seen as effective. However, even here opinion varied. Some unions welcomed these innovations as making for more effective forms of collective bargaining, while others sought to preserve traditional adversarial forms of collective

bargaining and associated modes of conflict resolution. Contrasting postures were seen to reflect underlying differences in philosophies of union representation.

Turning to the effects of conflict management innovations on employees and union members, the following outcomes can be identified. Proactive line management involvement in conflict resolution benefitted employees by reducing the number of flashpoints around which workplace conflicts ignited and by providing an expeditious means of resolving the ones that did. The provision of mediation in grievance resolution allowed employees the option of seeking to resolve conflict relatively flexibly, promptly and informally. In the process they may be able to avoid the personal stress and trauma that investigation, appeals and outside adjudication might otherwise bring in their train. Grievants opting for mediation can do so without prejudice to their rights under organizations' own procedures or under employment law. Mediators, union officials and employers commented on the toll that conventional and often adversarial and legalistic procedures could take on the employees (and managers) involved. Mediation provided employees who were travelling an adjudicative pathway to resolve an individual rights-based case with a way of avoiding the stress, trauma and possible expense associated with proceeding through this formal conflict management procedure. While some employees might still insist 'on having their day in court', others might prefer more informal routes to resolving conflict. For those employees, in particular, mediation might better align with their preferences than conventional conflict resolution. Mediation programmes might still provide a role for the union by permitting members to be accompanied by representatives. However mediation programmes commonly favoured direct engagement between the mediator and the parties to conflict, seeing this as more effective. Where mediation – whether according a role to union representatives or not – failed, union members were still able to revert without prejudice to more conventional grievance resolution procedures, and thereby seek the support of union representatives through the various stages of the process.

Union members also benefitted from facilitated or assisted bargaining as this extended the repertoire available to unions in addressing change and restructuring programmes initiated by management. Through assisted bargaining more influence could be brought to bear on management decisions, and unions might even be more capable of

framing change and restructuring programmes to the benefit of their members. This was illustrated by the reconfiguration of hospital services in HSE Dublin North East reported in Paper 12. If assisted bargaining failed, union members continued to benefit from the security provided by conventional dispute resolution procedures.

Turning to the outcomes of conflict management innovations for state agencies, it is noteworthy that public conflict resolution professionals in the Equality Tribunal, the LRC and the Labour Court have played a significant role in the process of innovation by themselves pioneering mediation, and several modes of facilitation. These innovations are generally seen as effective and successful. The key criterion of success for public agencies, however, must be that innovations undertaken by firms and organizations and by agencies themselves are instrumental in reducing the volume of grievances and disputes that require settlement and particularly that require adjudication. It needs to be acknowledged that the scale and longevity of innovation have yet to reach the point that would allow for a reasonable assessment of this critical outcome. State conflict resolution agencies retain very high standing among employers, unions, private mediators and facilitators for their professionalism, independence and effectiveness.

It is also too early to make an assessment of the implications of conflict management innovations for the public good. The resolution of disputes and grievances more often and more informally and flexibly within workplaces serves the good of society. Savings in resources deployed to support conflict resolution agencies and adjudication bodies also represent a gain for society. So too does the reduction of stress and trauma for those caught up in incidents of workplace conflict. But relevant as well is the critical issue of who may gain or lose from the growth of private conflict resolution, where issues encompassed by employment rights are addressed instead in mediation, arbitration or other forms of ADR. Might mediation, as critics sometimes claim, favour employers over employees, and could private justice turn out to be bad justice? No assessment of these questions is yet possible. They will become increasingly pressing as the system of conflict resolution continues to evolve and as private conflict resolution gains in importance.

Table 14.2 summarizes this section's discussion of the outcomes of innovations in conflict management.

Table 14.2 Outcomes of Conflict Management Innovations

Outcomes

Outcomes for employers

- Mediation provides a less costly, more flexible and speedier means of resolving grievances.
- Mediation frees line managers from spending inordinate amounts of time dealing with grievances and the effects they may have on the workplace.
- Mediation may support shift to more rigorous performance management systems.
- Arbitration sometimes seen as successful in handling grievance appeals but less evidence that fact-finding and external investigation are effective.
- Arbitration in the public service effective in handling individual grievances and collective disputes under the CPA/HRA agreements.
- Proactive line management effective but needs to be supported by HR and organizational systems.

Outcomes for trade unions

- Unions often unenthusiastic about conflict management innovations and prefer to retain existing procedures, which they co-manage with employers.
 - Their status and influence under innovations such as mediation are less secure or more ambiguous.
 - Innovations sometimes seen to relieve unions of handling difficult conflicts in which their members are protagonists.
 - Joint problem solving, interest-based bargaining and facilitation assessed as effective but union postures towards these innovations varied.
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Table 15.2 Outcomes of Conflict Management Innovations (contd.)

Outcomes

For employees

- Mediation provides employees with an alternative route to resolving conflict, without affecting their rights under grievance procedures or employment law.
- Mediation may provide a more flexible and prompter means to resolve conflicts, where employees retain control over the grievance resolution process.
- Union members may sometimes retain the right to be accompanied by union representatives and can revert to conventional grievance procedure and union representation therein.
- Proactive line management may reduce flash points around which grievances and conflicts develop.
- Assisted bargaining can increase the influence of union members in organizational decisions around change and restructuring.

*For conflict
management agencies*

- Mediation and assisted bargaining can contribute to reducing the volume or seriousness of grievances and disputes requiring mediation, conciliation and adjudication within conflict resolution agencies.
- Facilitation mandated by the Labour Court may assist in resolving disputes or in steering disputes towards resolution.

For the public good

- Informal and flexible resolution of conflict and reduction of associated stress and trauma serve the public good.
 - Savings may develop in resources deployed to support conflict resolution and adjudication agencies.
 - Could 'private justice' be bad justice?
-

The Future

Discussing the future of any organizational processes or systems can be a hazardous task. Invariably, unforeseen developments, which either can be external or internal to organizations, can blow organizations off what seemed the likely path of evolution. Thus, in relation to organizational conflict management, for example, the introduction of new employment legislation can oblige the organization to change a particular conflict management practice in an unanticipated, and even unwelcomed, manner. Similarly, growing public intolerance to particular forms of industrial action may encourage trade unions to agree to conflict management practices such as no-strike clauses or binding arbitration that they would have been reluctant to even contemplate in the past. Thus, because organizational circumstances cannot be anticipated in advance, the discussion below about the future of organizational conflict management practices in Ireland should be treated as tentative.

Perhaps, the best starting point for this discussion is to ask whether the current incremental, pragmatic approach to workplace conflict management and its innovation will continue. We would suggest that it is likely to do so. The evidence presented in this study suggests that the legislative, organizational or managerial preconditions do not exist for the adoption for fully fledged conflict management systems, largely consisting of some combination of ADR practices. To a large extent, this approach to workplace conflict management is an USA invention. But it is an invention largely driven by legal and organizational circumstances that are peculiar to the USA. A specialized Employment Tribunal or Labour Court to hear cases involving alleged breaches of individual employment rights does not exist in the USA. If employees wish to vindicate their employment rights they are obliged to take their cases through the normal judicial system. While this can be a daunting (and costly) process, employees who obtain a favourable verdict from the Courts normally receive compensation that is about ten times the award usually made by an Employment Tribunal in Ireland. Thus, losing an individual employment rights case in the USA can be a hugely expensive affair for organizations. To try and reduce their exposure to such risks, organizations started to write employment contracts that obliged employees to use an arbitration process designed by the organization and not the courts to address alleged infringements of employment rights. After the Supreme

Court ruled this practice to be lawful, organizations rushed to not only install arbitration procedures but a wide range of ADR procedures.

Thus, the emergence of ADR-styled conflict management systems in USA was a strategic response to particular features of the country's legal system. It was not the result of organizations concluding that ADR practices represented a superior way to manage conflict at work. Firms in Ireland operate within a quite different employment law framework and thus do not face the same incentives to adopt ADR practices. The findings from our study is that even subsidiaries of USA multinationals located in Ireland shun the adoption of ADR inspired practices, at least not in any integrated form. Unlike other HRM innovations that have their origin in the USA, ADR practices seem unlikely to be exported in any systematic manner to other countries. Organizations in Ireland do not appear to consider ADR-type procedures as international best practices that they need to emulate. Furthermore, the study could not identify any domestic pressures that are nudging organizations in Ireland towards the adoption of integrated conflict management systems, at least not in any concerted fashion. In the absence of systematic influences or incentives to adopt ADR practices, it is likely that the current incremental approach to conflict management innovation will continue in the future.

This assessment begs the question of what will be the cumulative impact of organizations adopting an incremental approach to conflict management innovations. On paper, a number of different scenarios are possible. One possibility is that the accumulation of small, seemingly insignificant changes may lead over time to a transformation in the nature and character of conflict management arrangements in organizations. In other words, root and branch innovation occurs slowly and by stealth. While this possibility cannot be ruled out fully, the evidence from this study suggests that it is not likely to materialize on a widespread basis. Organizations do not appear to be making changes to conflict management practices either on a sufficiently continuous or coherent basis to trigger a process of transformative innovation from within. An alternative possibility is that managers may introduce piecemeal conflict management changes in an endeavor to support the continuity of the established approach to managing conflict in their organization. Change is introduced to maintain,

or perhaps more accurately rejuvenate, the status quo. Our analysis suggests this is an altogether more likely scenario. Time and again in our study managers were motivated to make piecemeal changes to conflict management practices that did not compromise to any great extent the organization's overall approach to managing problems.

But the sting-in-the-tail of this creeping innovation strategy, as already alluded to, is that augmenting or upgrading established conflict management practices is sometimes not completed in a coherent manner. Efforts to supplement grievance procedures negotiated through collective bargaining procedures with mediation programmes on occasions has resulted in new tensions being created between management and unions. Not all unions may be willing to sign on for innovative conflict management procedures. Moves to enhance the conflict management role of line managers are sometimes not accompanied with the creation of the necessary organizational training and support systems. The necessary organizational groundwork is sometimes not completed to pave the way for the introduction of new conflict management practices. Thus, we encountered situations where line managers refused point blank to engage constructively with a mediation process as they considered it an unwarranted intrusion into work areas for which they had supervisory responsibility. Thus, while workplace innovation is gradual, with the impulse often being to renew or protect established workplace management practices, it is also frequently disjointed and piecemeal. As a result, the outcome is frequently the creation of contextualized, but sub-optimal conflict management arrangements in organizations. Overall, this is likely to be the pattern of change and innovation in relation to organizational conflict management in Ireland for the foreseeable future.

This analysis which suggests that workplace conflict management innovations may be sub-optimal has important implications for the newly formed Workplace Relations Commission (WRC). The new Commission will be able to build on the extensive credibility enjoyed by the LRC (and other bodies) amongst unionized firms and trade unions, politicians, policy-makers and indeed the wider public for their ability to find solutions to seemingly intractable large scale collective industrial disputes that seemed destined to cause huge disruption. But it will also have to extend the efforts already embarked upon by the LRC: Over the past decade, the LRC too has sought to

improve its repertoire of conflict management services by introducing new initiatives on mediation and developing its advisory and research activities so that it can provide more authoritative guidance to organizations. This is a strategy that is being pursued by dispute resolution agencies in other Anglo-American countries – ACAS in the UK, the Fair Work Commission in Australia, the Federal Mediation and Conciliation Service in the USA, the Employment Relations Authority in New Zealand. All these agencies have launched initiatives that are aligned with the new forms of workplace conflict that are emerging across a wide range of business sectors.

The new WRC will have to continue the innovative efforts of the LRC to provide a modern suite of services that support organizations in their endeavours to keep workplace conflict management to a minimum and to solve problems that do arise quickly and satisfactorily. This task will not be straightforward. For example, it will be a tough challenge for the WRC to connect purposively with non-union firms and even some unionized workplaces that have a preference for keeping conflict management in-house. If the WRC were to succeed in this task then the prize would be huge for it would have created a public agency that is attuned to addressing new forms of conflict management in a modern economy as well as addressing traditional forms of industrial disputes. The omens are good, however, as its main state dispute resolution predecessor, the LRC, displayed much organizational flexibility and creativity in responding to emerging challenges.

Conclusions

Important changes have been taking place to the nature of employment disputes over the past two or three decades. In particular, conflict is less collective and more individual in character. An influential body of literature has emerged arguing that firms need to make far reaching innovative changes to conventional conflict management in response to the changing complexion of employment disputes. Usually these innovations amount to firms adopting in an integrated fashion ADR practices. This study found that firms located in Ireland are not travelling this radical innovation pathway. Instead, it found that most firms favoured making small scale, incremental revisions to conventional practices to address new forms of conflict. Cautious adaptation was the preference of most firms. Many eschewed the more

radical approach to innovation because conflict was considered to be largely under control. At the same time, the study also found that gradual changes were being made in a disjointed and fragmented manner, which has caused the management of conflict to be neither coherent nor effective in many organizations. As a result, considerable scope still exists for firms to improve the manner in which they manage workplace conflict.